

F1526  
C61



F 1526

C61

Copy 1

# S P E E C H

OF

11-24571

HON. JAMES B. CLAY, OF KENTUCKY,

ON

THE NEUTRALITY LAWS;

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, JANUARY 13, 1858.



WASHINGTON:  
PRINTED AT THE CONGRESSIONAL GLOBE OFFICE,  
1858.

F1526

C.61

2. S. 26811

## THE NEUTRALITY LAWS.

---

The House having resolved itself into the Committee of the Whole on the state of the Union, and resumed the consideration of the President's annual message—

Mr. CLAY said:

Mr. CHAIRMAN: In arising for the first time in all my life to address any legislative assembly whatever, I confess that I do so with all that diffidence and embarrassment that might be expected to surround one under such circumstances. I am gratified, however, that I have the privilege, at this time, of rising to sustain what I believe to be law and order. I have seen the remarkable spectacle presented to this country of an Administration going out before the country apparently unsustained by its own friends. I have seen, sir, that on every message of the President of the United States, to this House, or the other, opportunities have been taken to assail and to pick at him and his motives. In the message which the President of the United States has sent to this House, on the subject of our relations with Nicaragua, and in reference to the conduct of "General" William Walker, as his friends choose to call him, I am happy to say that I sustain him in every word that he has written.

What are the facts of the case of General Walker as presented to this House and before the country? He is no citizen of the United States. He has expatriated himself. He has chosen, sir, to say to the world that he will no longer be covered by the glorious stars and stripes of which we are so proud, and that he arrays himself under another flag, and has become the citizen of another country. What have been his acts and his conduct while a citizen of that other country? Brought home because there was a sympathy felt for him in this

land of ours; brought home for the purpose of saving his neck—a thing for which he should have been full of gratitude to the Government of the United States—what, sir, is his conduct when he obtains liberty upon this soil once again? instantly he proceeds to levy war, to enroll men, and to collect arms and all the munitions of war, for the purpose of using them against a country with which we are at peace. I have every sympathy for Walker, and for the gallant spirits who went with him to Nicaragua; nevertheless, while I entertain that sympathy for him, and for them, and while I believe that it is entertained by the whole country, I believe, sir, that it considers him, not as General Walker, not as the President of Nicaragua, but as nothing more or less than a *fillibuster*.

Sir, the proceedings of this gentleman in levying war against Nicaragua were so well known to the whole country, that it was necessary that instructions should be given to the district attorneys and the other officers of this country to watch him, and to prevent him from carrying on that war which he was about levying. What does he do? He is brought up before a court in New Orleans and held to bail, a bail very easily given, because among his friends were men at the North and elsewhere who had schemes and designs of their own, and who were able to pay the \$2,000 bail which this gentleman gave. But does that stop his proceedings for a single instant? Does that stop his designs for a moment? No, sir, he proceeds with all his preparations. He carries them on. He puts his men and arms on board a vessel, and he puts one of his own officers in the first instance, as I believe the newspapers stated, on board in command of that vessel. But when it is

found that she will not be permitted to sail under the command of that officer and under the flag which he would have been bound to raise, if he raised any, the officer is withdrawn, and the American flag is run up at the fore, and her registry and everything of that sort is passed through the custom-house in proper order.

Sir, the vessel had on board the armed men and the armament of General Walker. Her clearance was obtained in fraud of our laws; and when that vessel left the port of Mobile, as I believe she did, she left in fraud of our laws, and evaded them. It is my opinion that the same law which was meted out to an American vessel which went to the coast of Cuba, should have been meted out to that vessel which was willing to prostitute the flag of the American Union to the purposes of the filibuster, General Walker. I believe that that vessel should have been seized; I believe she should have been tried before our courts; I believe that she subjected herself to forfeiture and confiscation.

Gentlemen have contended that there is no power in this Government of the United States to seize her own citizens even when they are levying war against a foreign country with which we are at peace, and when they are not outside of the marine league. I believe, sir, in no such doctrine. I believe, so far as regards the duty of this Government towards foreign nations, that it is the duty of the President of these United States and of all the authorities of this Government, under the law of nations, to restrain our citizens from any such act. What would be the consequences if every man who pleased might fit out a vessel, and like the old vikings of the North, sail out for the purpose of acquiring territory, and invading territories with which we are at peace? Would it not be to involve us, in all probability, in war with territories with which we are at peace, and with which we desire to maintain friendly relations? That would be the direct consequences; and the duty incumbent upon the authorities of this Government, under the law of nations, is to restrain such acts, and for the very reason that these consequences would be disastrous to ourselves.

But, sir, it is not the case of a citizen of our own country that we are considering. It is the case of a man who is no citizen of ours; who has no right whatever to appeal to us for any of the rights of citizenship. He has chosen voluntarily to expatriate himself. He has chosen, when this country had saved his life, when this country had thrown our broad *ægis* around him, to save him from death, to come amongst us and levy

war in breach of the neutrality laws of this country, if the law of nations did not suffice to prevent him from carrying on such an act. Why, sir, how does the case of this gentleman differ from that of Aaron Burr, with the single, sole exception that Burr was a citizen, and this man was not a citizen? So far as the records of the country show us, there was nothing ever proved against Aaron Burr making his conduct in the slightest degree different from the conduct pursued by General William Walker; and yet the name of Aaron Burr has been handed down to us, as it will be handed down to after times, coupled with the epithet of traitor.

Sir, I maintain that it was the duty of the President of the United States to stop this man in the first instance, from proceeding from our shores, with his armament against Nicaragua. I maintain, sir, that if he had come into this country of ours, had raised a band of a hundred men with whom he might seek to attack any city or any portion of our people, and afterward had gone to the sea-coast and got himself and men on board a vessel and sought to escape from the penalties of the laws of the country—I maintain that under the law of nations, and without the law of 1818, the President of the United States might have directed him to have been followed by our ships of war, and brought back for trial and condemnation, if the facts were proved against him. Well, sir, he breaks not only the law of nations in this case, but the statute law of the country—the law of 1818. He escapes from our shores under false colors, fraudulently escapes from our shores, and I maintain that it was not only within the power and authority, but that it was the duty of the President to send for him over the high seas, and have him brought back to this country. I think that the President stopped at precisely the right point, when he stopped at one marine league from the coast of Nicaragua. I am not in favor, even for any purpose of our own, of invading the territory of another country, even though good may come from so doing wrong; neither do I understand the President to be in favor of doing any such thing.

I do not coincide with my honorable friend from Ohio, [Mr. GROESBECK,] although I agreed with him in almost everything else he said, that the President had the authority to send, or that the force of this country, either the Army or Navy, had the right to go upon the shores of a foreign country to execute our laws. But the President does not go to that extent. He stops at the marine league; and it is my opinion that under the law of nations, as well as under the neutrality laws of 1818, he

had the right, and it was his duty, to have gone just to that marine league on the shores of Nicaragua, and no further. There he went, and thus far he upholds his officers; he goes no further.

But, sir, I have been astonished that men in this House, while maintaining the rights of this General Walker; while maintaining his rights, sometimes as a citizen, and at other times as a mere man—I say I am astonished at their casting such censures upon that gallant officer of our Navy, Commodore Paulding. I care not whether he be descended from the Paulding who seized André, and refused a bribe of British gold; I care not who his father may have been; all I care about is the fact that he is an officer of the United States Government; that he had the epaulets of that Government upon his shoulders; and at the very day he was denounced in this House, by those for whom I entertain the highest respect, as having been guilty of an act of robbery; as having been a kidnapper; as having been guilty of unofficer-like conduct—that at that very day the flag of his country was floating above him; and that, I have no doubt, had occasion arisen for him to have done so, he would have maintained it gallantly and well, as his father, in the early days of the Republic, maintained the honor of his country.

Sir, what has Commodore Paulding done? Up to the very moment he landed upon the shore of Nicaragua, he and those with him were fully borne out to the completest extent by the instructions of the Government whose officer he was. It is not necessary for me to refer to those instructions. It would take more time of this committee than I chose to consume, but there is no man who will read those instructions, as given repeatedly to the officers of that squadron, and other officers of the United States, who will not agree with me in saying that up to the moment of landing upon the shores of Nicaragua, Commodore Paulding was borne out to the fullest extent by the Executive of this country. What, then, has he done? Knowing, sir, the extreme desire of this country to prevent this waging of war by this filibuster Walker against Nicaragua, knowing the extreme desire of the Government to prevent it, this gentleman, Commodore Paulding, perhaps with an excess of zeal, landed his men upon the shore and broke up the expedition.

But, sir, he had some cause to send his men there to hold this General Walker responsible and accountable. Look at the letter of Mr. Cilley, a lieutenant of one of our ships, who went with the other officers upon the shore, with the uniform of the United States upon him. He goes there, as he had a right to go, to the shore of a country

with which we were at peace; and how is he met? Before his boat reaches the landing even, he is ordered off. He is told that if he attempts to land he will be fired upon. The epaulets of our country were to be fired upon. Our officer, going to a peaceful shore, was to be fired upon, by the order, as it was said, of General Walker, the commander of filibusters.

Sir, if there had been no other cause for holding these men to accountability, that, in my humble opinion, would have been sufficient cause. I pledge my honor, that if I had been in the position of Commodore Paulding, and if Walker, or the citizen of any country, had dared to direct his men to present their muskets at the bosoms of my officers, I would have held him to such terms as would, perhaps, have saved a good deal of discussion in this House about him.

But, sir, the President has, in his message, censured the conduct of Commodore Paulding. He has said that that officer committed a grave error. I agree with the President fully in that. I think that Commodore Paulding did, perhaps, exceed his instructions in landing on the shores of Nicaragua, and in sending these men home to the United States. But did he do so like a kidnapper? Did he do so like a robber? Did he do so like a man conscious that he was doing a villainous act? I have no acquaintance with that gentleman, and I am not here as his special defender. But I say, sir, that he acted not as a robber, a kidnapper, or as a man who was committing a villainous act. He knew himself fully. He knew well that his zeal had perhaps carried him beyond his instructions, and frankly, and in a manner manly, open, and above-board, he comes out in his letter to the Department and states that he was aware that he had exceeded his instructions, and that he was willing to bear such responsibility as the country—which ought perhaps to be grateful to him—might choose to hold him to.

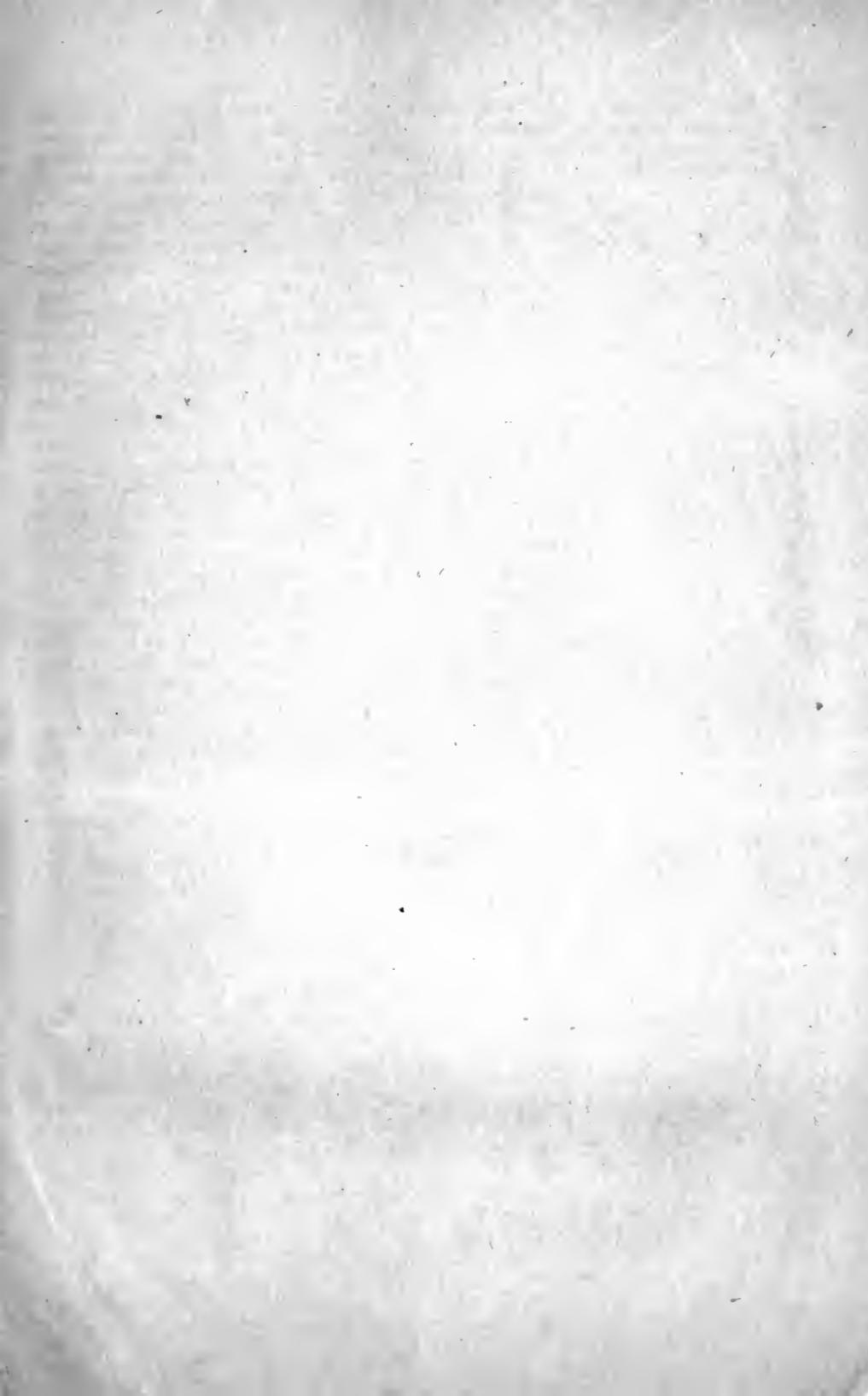
I think that the censure contained in the President's message is sufficient censure for the conduct of Commodore Paulding. I think that against this little Navy of ours, which ought to be our pride, and which, in old times, was our pride, enough has been said. Enough has been done to destroy it. Naval courts have been instituted for that purpose. A Spanish inquisition, almost, has been placed over its officers. Many of them, gallant and true, have been degraded from the positions which they held. I am gratified, however, that many of them have been, at last, restored to the positions which they deserved to hold. I am not in favor of attacking any further the *esprit de corps* of this Navy of ours. I am proud of our

Navy. I glory in the gallant men who expose their lives to the tempest and to the waves in upholding the flag of their country. I glory in those men. Although I come from the far West, where the plow, not the anchor, is our emblem, they will always find in me a defender.

Sir, I am opposed altogether to this system of private warfare which is now attempted to be initiated in the history of the country. There are three modes of private warfare, to all of which, and to each of which, I am opposed. There is piracy on the high seas, to which every civilized man is opposed. There is buccaneering—a system under which, in that barbarous age, men thought they could prey upon the Spanish Main and rob the Spanish-American towns. They attacked the towns for the purpose of robbery, and not for the purpose of holding them. Then, again, there is this system of filibusterism, which I conceive to be a relic of the dark ages. Under this system, men set out in their own ships, and with their own armaments, to take countries, not merely to rob them, but to hold them as conquerors. I am opposed to all this system. I believe that whenever we shall need Central America, or any portion of it, we have it within our grasp, and can take it. I believe that the proper means of civilizing these semi-barbarous lands is by emigration, peaceful emigration—not that emigration where the musket and bayonet are in the hands of the emigrant. Peaceful emigration is the proper course. When the day shall arrive that any portion of the fair and sunny South, from

Cuba to the remotest province of Central America, is necessary to this nation, let the flag of the Union be thrown out, and there will be volunteers enough to march under it and take whatever may be thought necessary for us to have. For my part, I will march under no flag but the flag of the Union. I will keep step to no music but the music of the Union.

Sir, as to the resolutions before the committee, I have no objection to them. I have no objection to the reference of the President's message, or of any part of it, to the appropriate committees. I have not the slightest objection to the reference of the whole subject of the neutrality laws to a proper committee. I care not much whether it be to one of the standing committees of the House, or to a select committee. I am not prepared to say to what extent I would uphold the present neutrality laws of the country. I do not think it necessary now to express any opinion in reference to that, further than I have done. At a proper time and in a proper place I may again ask leave of the House to express the views which I entertain on that subject. I have accomplished all I intended to do now. I have, feebly, I know, but to the best of my humble ability, attempted to sustain the President of the United States in the views he has taken, and have attempted to vindicate the honor of the epaulets and of the flag of this country. In doing that, I feel that I have only done a duty which I owe to myself, and which I owe to the constituency which I have the honor to represent.



LIBRARY OF CONGRESS



0 015 842 525 7



LIBRARY OF CONGRESS



0 015 842 525 7